

Entered - 05-19-00 - sb  
CL 00L0317 - GWENDOLYN BURNS

CLAIM OF: AMEX ASSURANCE COMPANY  
as subrogee of Gwendolyn Benson  
1400 Lombardi Avenue  
Green Bay, Wisconsin 54304-3922

00-R-1712

For damages alleged to have been sustained as a result of a vehicular accident on March 15, 2000, at Boulevard SE and Gartrell Street, SE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Amex Assurance Company as subrogee of Gwendolyn Benson** in the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on March 15, 2000 at Boulevard SE and Gartrell Street, SE as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

APPROVED

NOV 15 2000

WITHOUT SIGNATURE  
BY OPERATION OF LAW

AVORABLE REPORT

Public Safety

10/31/00

Clara Henderson

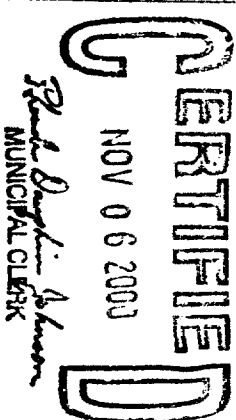
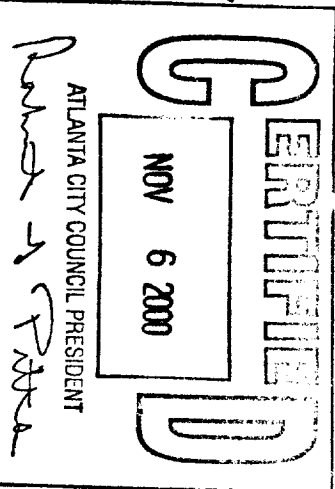
Dorey Shelt

Michael R. A.

Ken Kowen

CONSENT AGENDA

ADOPTED BY  
NOV 06 2000  
COUNCIL





MUNICIPAL CLERK  
ATLANTA, GEORGIA

00-R-1712

A RESOLUTION

BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Amex Assurance Company** as subrogee of **Gwendolyn Benson** in the sum of **\$1000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **vehicular accident on March 15, 2000 at Boulevard SE and Gartrell Street** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

NOV 06, 2000

NOV 15, 2000

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 00L0317

Date: October 20, 2000

Claimant /Victim GWENDOLYN BENSON  
BY: (Atty) (Ins. Co.) AMEX ASSURANCE COMPANY  
Address: 1400 Lombardi Avenue, Green Bay, Wisconsin 54304-3922  
Subrogation: X Claim for Property damage \$ 3,776.32 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 5/17/00 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 3/15/00 Place: Boulevard Blvd, SE & Gartrell Street, SE  
Department PUBLIC WORKS Division Sewer  
Employee involved Lorenzo Callahan Disciplinary Action: Written Reprimand & Def. Driving Class

**NATURE OF CLAIM:** Claimant's vehicle sustained damage when it was rear-ended by a City vehicle that was "following too closely". The City employee was cited for same.


**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ 1,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 10-20-00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_



**Property  
Casualty**

The American Express  
Property Casualty companies  
1400 Lombardi Avenue  
Green Bay, Wisconsin 54304-3922

AMEX Assurance Company  
IDS Property Casualty Insurance Company

RECEIVED MAY 17 2000  
RECEIVED MAY 17 2000

May 10, 2000

ENTERED - 5-19-00 - SB  
00L0317 - MIKE REEVES

*Reeves*

*05/17/00*

*DM*

MS SHERRY BUTLER  
CITY ATLANTA LEGAL DEPT  
55 TRINITY AVE SW  
ATLANTA GA 30303

RE:           OUR CLAIM NO.: 523613-K101  
              OUR INSURED: GWENDOLYN BENSON  
              DATE OF LOSS: 03/15/00  
              YOUR INSURED: CITY OF ATLANTA  
              YOUR DRIVER: JOHN CREAR

Dear Ms. Butler:

Our investigation of the above dated loss has disclosed that your insured is the party responsible for the damages incurred by our insured.

We are hereby notifying you of our subrogation claim in the total amount of \$4,276.32.

Property Damage	\$3,776.32
Deductible	500.00

Please forward payment at your earliest convenience.

Please call us with any questions at 1.800.872.5246 and refer to our claim number when calling.

Sincerely,

*Candy S. Bailey*

Candy S. Bailey, AIC  
Senior Subrogation Representative  
AMEX Assurance Company  
1.800.872.5246, Ext. 5179  
CSB/tjl

Please make check payable to:  
AMEX Assurance Company

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0317

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100  
DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I  
do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its  
officers and employees, including but not limited to John Reed Crear, from any and all claims,  
demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account  
of anything that has heretofore occurred, and particularly for or on account of a vehicular accident  
which occurred on or about the 15th day of March, 2000,  
at or near Boulevard SE and Gartrell Street, SE.

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 2nd day of October, 2000.

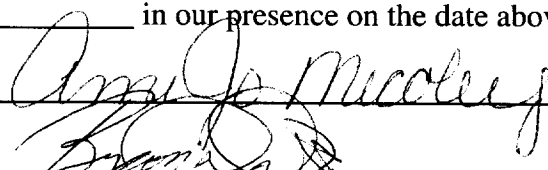
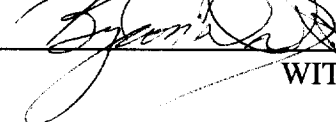
Candy S. Bailey (LS)  
**AMEX ASSURANCE COMPANY**  
as subrogee of Gwendolyn Benson

\_\_\_\_\_(LS)

The above release was read and explained to, and signed by the said \_\_\_\_\_

CANDY S. BAILEY

in our presence on the date above written.

  
  
WITNESSES

00- R-1712

RCS# 2356  
11/06/00  
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
B Starnes  
Y Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1422  
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1577 2. 00-O-1586 3. 00-O-1615 4. 00-O-1661 5. 00-O-1663 6. 00-O-1670 7. 00-R-1578 8. 00-R-1685 9. 00-R-1780 10. 00-R-1659 11. 00-R-1688 12. 00-R-1689 13. 00-R-1704 14. 00-R-1722 15. 00-R-1723 16. 00-R-1708 17. 00-R-1774 18. 00-R-1709 19. 00-R-1710 20. 00-R-1711 21. 00-R-1712 22. 00-R-1713 23. 00-R-1714 24. 00-R-1715 25. 00-R-1717 26. 00-R-1718 27. 00-R-1719 28. 00-R-1720 29. 00-R-1721	30. 00-R-1716 31. 00-R-1724 32. 00-R-1725 33. 00-R-1727 34. 00-R-1728 35. 00-R-1729 36. 00-R-1730 37. 00-R-1731 38. 00-R-1732 39. 00-R-1733 40. 00-R-1734 41. 00-R-1735 42. 00-R-1736 43. 00-R-1737 44. 00-R-1738 45. 00-R-1739 46. 00-R-1740 47. 00-R-1741 48. 00-R-1742 49. 00-R-1743 50. 00-R-1744 51. 00-R-1745 52. 00-R-1746 53. 00-R-1747 54. 00-R-1748 55. 00-R-1749 56. 00-R-1750 57. 00-R-1751 58. 00-R-1752	59. 00-R-1753 60. 00-R-1754 61. 00-R-1755 62. 00-R-1756 63. 00-R-1757 64. 00-R-1758 65. 00-R-1759 66. 00-R-1760 67. 00-R-1761 68. 00-R-1762 69. 00-R-1763 70. 00-R-1764 71. 00-R-1765 72. 00-R-1766 73. 00-R-1767 74. 00-R-1768 75. 00-R-1769 76. 00-R-1770 77. 00-R-1771 78. 00-R-1772 79. 00-R-1773